

## COMMITTEE REPORT

MR. PRESIDENT:

**The Senate Committee on Judiciary, to which was referred Senate Bill No. 311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 12-17.4-4-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person
- 4 may not operate a foster family home without a license issued under
- 5 this article.
- 6 (b) The state or a political subdivision of the state may not operate
- 7 a foster family home without a license issued under this article.
- 8 (c) A person may not operate a foster family home if:
- 9 (1) the number of children maintained on the premises at any one
- 10 (1) time is greater than the number authorized by the license; and
- 11 (2) the children are maintained in a building or place not
- 12 designated by the license.
- 13 **(d) Except as provided in subsection (e), a person may not:**
- 14 **(1) be licensed to operate; or**
- 15 **(2) operate;**
- 16 **a foster family home for a child who is less than eighteen (18) years**
- 17 **of age if the person is not living with the person's spouse in an**
- 18 **intact marriage recognized under Indiana law.**
- 19 **(e) A child under eighteen (18) years of age may be placed in a**
- 20 **foster family home that:**

1           **(1) does not meet the requirement under subsection (d); but**  
 2           **(2) is otherwise qualified to be a foster family home;**  
 3           **only if before the placement a court with jurisdiction over the child**  
 4           **conducts a hearing and, based on clear and convincing evidence,**  
 5           **makes specific findings of fact that support a written determination**  
 6           **that it is in the best interest of the specific child that the child be**  
 7           **placed in a home not meeting the requirement under subsection**  
 8           **(d).**

9           SECTION 2. IC 31-9-2-13 IS AMENDED TO READ AS  
 10          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) "Child", for  
 11          purposes of IC 31-15, IC 31-16, and IC 31-17, means a child or  
 12          children of both parties to the marriage. The term includes the  
 13          following:

14           (1) Children born out of wedlock to the parties.

15           (2) Children born or adopted during the marriage of the parties.

16          (b) "Child", for purposes of the Uniform Interstate Family Support  
 17          Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.

18          (c) "Child", for purposes of IC 31-19-5, includes an unborn child.

19          (d) "Child", for purposes of the juvenile law, means:

20           (1) a person who is less than eighteen (18) years of age;

21           (2) a person:

22           (A) who is eighteen (18), nineteen (19), or twenty (20) years  
 23           of age; and

24           (B) who either:

25           (i) is charged with a delinquent act committed before the  
 26           person's eighteenth birthday; or

27           (ii) has been adjudicated a child in need of services before  
 28           the person's eighteenth birthday; or

29           (3) a person:

30           (A) who is alleged to have committed an act that would have  
 31           been murder if committed by an adult; and

32           (B) who was less than eighteen (18) years of age at the time of  
 33           the alleged act.

34          (e) "Child", for purposes of the Interstate Compact on Juveniles  
 35          under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

36          **(f) "Child", for purposes of IC 31-19-4.5, IC 31-19-7,**  
 37          **IC 31-19-8, and IC 31-19-11, means a person who is less than**  
 38          **eighteen (18) years of age.**

SECTION 3. IC 31-19-4.5 IS ADDED TO THE INDIANA CODE  
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]:

**Chapter 4.5. Notice of Adoption to Interested Parties**

**Sec. 1.** Except as provided by this chapter, the court shall give  
interested parties described in section 2 of this chapter:

- (1) notice of the filing of a petition of adoption, all  
proceedings, and other matters filed by the parties to the  
proceedings;
- (2) an opportunity to attend proceedings related to the  
petition of adoption; and
- (3) an opportunity to present evidence and objections related  
to the proposed adoption.

**Sec. 2.** The following persons shall be given notice of the  
adoption proceedings for a child under Rule 4.1 of the Indiana  
Rules of Trial Procedure:

- (1) Adult siblings of a prospective adoptive child.
- (2) Grandparents of a prospective adoptive child.
- (3) Each person who was a foster parent of a prospective  
adoptive child.
- (4) Any legal guardian of the prospective adoptive child.
- (5) Any person who is a guardian ad litem (as defined in  
IC 31-9-2-50) for a prospective adoptive child.
- (6) Any other person who has filed a petition to adopt the  
child.

**Sec. 3.** A person may waive the provisions in section 1 of this  
chapter in writing before or after the birth of a child.

**Sec. 4.** The notices required by section 1 of this chapter are not  
necessary if actual notice has been given to the person.

**Sec. 5.** The provisions in section 1 of this chapter do not apply  
to a parent of the mother or putative father:

- (1) whose consent to adoption has been filed with the petition  
for adoption;
- (2) whose consent to adoption is not required by:
  - (A) IC 31-19-9-8(a)(4);
  - (B) IC 31-19-9-8(a)(5);
  - (C) IC 31-19-9-8(a)(6);
  - (D) IC 31-19-9-8(a)(7); or

- 1           **(E) IC 31-19-9-8(a)(8); or**  
 2           **(3) who has had the person's parent-child relationship**  
 3           **terminated under IC 31-35 (or IC 31-6-5 before its repeal).**

4           SECTION 4. IC 31-19-7-1 IS AMENDED TO READ AS  
 5           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** Except:

6           (1) for:

- 7           (A) a child sought to be adopted by a stepparent;  
 8           (B) a child sought to be adopted by a blood relative; or  
 9           (C) a child received by the petitioner for adoption from an  
 10           agency outside Indiana with the written consent of the division  
 11           of family and children; or

12           (2) if the court in its discretion, after a hearing held upon proper  
 13           notice, has waived the requirement for prior written approval;  
 14           a child may not be placed in a proposed adoptive home without the  
 15           prior written approval of a licensed child placing agency or county  
 16           office of family and children approved for that purpose by the division  
 17           of family and children.

18           **(b) In determining whether to approve the placement of a child**  
 19           **in a proposed adoptive home, the licensed child placing agency or**  
 20           **county office of family and children must consider the following:**

- 21           **(1) Whether each prospective adoptive parent is living with**  
 22           **the prospective parent's spouse in an intact marriage**  
 23           **recognized under Indiana law.**  
 24           **(2) The amount of actual time that the prospective adoptive**  
 25           **parent or parents can spend with the child.**  
 26           **(3) The extent of any special medical or emotional needs of the**  
 27           **child.**  
 28           **(4) If the child is a member of a sibling group, the willingness**  
 29           **and ability of the prospective adoptive parent or parents to**  
 30           **keep the siblings together as a group.**  
 31           **(5) The financial circumstances of the prospective adoptive**  
 32           **parent or parents.**  
 33           **(6) Any information concerning the adoption made by a**  
 34           **person who must receive notice under IC 31-19-4.5.**

35           **(c) An unmarried child may not be placed in a proposed**  
 36           **adoptive home in which a person proposing to adopt the child is**  
 37           **not living with that person's spouse in an intact marriage**  
 38           **recognized under Indiana law unless before the placement a judge**

1 **with jurisdiction over the child conducts a hearing and, based on**  
 2 **clear and convincing evidence, makes specific findings of fact that**  
 3 **support a written determination that it is in the best interest of the**  
 4 **specific child that the child be placed in a home not meeting the**  
 5 **requirement under this subsection.**

6 SECTION 5. IC 31-19-8-6 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The agency's  
 8 report must, to the extent possible, include the following:

- 9 (1) The former environment and antecedents of the child.
- 10 (2) The fitness of the child for adoption.
- 11 (3) Whether the child is classified as hard to place:
  - 12 (A) because of the child's ethnic background, race, color,
  - 13 language, physical, mental, or medical disability, or age; or
  - 14 (B) because the child is a member of a sibling group that
  - 15 should be placed in the same home.
- 16 (4) The suitability of the proposed home for the child.
- 17 **(5) Whether each prospective adoptive parent is living with**  
 18 **the prospective parent's spouse in an intact marriage**  
 19 **recognized under Indiana law.**
- 20 **(6) The amount of actual time that a prospective adoptive**  
 21 **parent or parents can spend with the child.**
- 22 **(7) The extent of any special medical or emotional needs of the**  
 23 **child.**
- 24 **(8) If the child is a member of a sibling group, the willingness**  
 25 **and ability of the prospective adoptive parent or parents to**  
 26 **keep the siblings together as a group.**
- 27 **(9) The financial circumstances of the prospective adoptive**  
 28 **parent or parents.**
- 29 **(10) Any information concerning the adoption provided by a**  
 30 **person who must receive notice under IC 31-19-4.5.**

31 (b) The report may not contain any of the following:

- 32 ~~(1) Information concerning the financial condition of the parents.~~
- 33 ~~(2) a recommendation that a request for a subsidy be denied in~~  
 34 ~~whole or in part due to the financial condition of the parents.~~

35 SECTION 6. IC 31-19-11-1 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Whenever  
 37 the court has heard the evidence and finds that:

- 38 (1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child; ~~and~~

(7) proper consent, if consent is necessary, to the adoption has been given; **and**

**(8) if the person being adopted is an unmarried child, the court has complied with subsection (d);**

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

**(c) In determining whether an adoption is in the best interest of a child, the court shall consider the following:**

**(1) The amount of actual time that the prospective adoptive parent or parents can spend with the child.**

**(2) The extent of any special medical or emotional needs of the child.**

**(3) If the child is a member of a sibling group, the willingness and ability of the prospective adoptive parent or parents to keep the siblings together as a group.**

**(4) The financial circumstances of the prospective adoptive**

1           parent or parents.  
 2           **(5) Any information concerning the adoption made by a**  
 3           **person who must receive notice under IC 31-19-4.5.**  
 4           **(d) The court may not grant a petition of adoption of an**  
 5           **unmarried child and enter an adoption decree if the person**  
 6           **proposing to adopt the child is not living with that person's spouse**  
 7           **in an intact marriage recognized under Indiana law unless the**  
 8           **judge conducts a hearing and, based on clear and convincing**  
 9           **evidence, makes specific findings of fact that support a written**  
 10          **determination that it is in the best interest of the specific child that**  
 11          **the child be adopted by an adoptive parent or adoptive parents**  
 12          **who do not meet the requirement under this subsection.**  
 13          **SECTION 7. An emergency is declared for this act.**  
 14          Renumber all SECTIONS consecutively.  
           (Reference is to SB 311 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 5, Nays 4.

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**Bray**

**Chairperson**